

REMARKS

I. Introduction.

Claims 1-19 are pending and stand rejected. Claim 16 was rejected under 35 U.S.C. Section 112, second paragraph. Claims 1-19 were rejected under 35 U.S.C. Section 103(a).

II. The 35 U.S.C. Section 112 Rejection.

Claim 16 was rejected under 35 U.S.C. Section 112, second paragraph because of the use of the term "distinct".

The term "distinct" was meant to specify that the second substance is not the deodorized air itself, but another substance, such as an air freshening substance. Claim 16 has been amended to change "distinct" to "separate" to clarify this.

III. Rejections Under 35 U.S.C. § 103

A. Rejection of Claims 1-13, 15, and 17-19.

Claims 1-13, 15, and 17-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,403,548, Aibe, et al. in view of U.S. Patent 5,772,959, Bermas.

The Office Action initially states that with respect to Claims 1, 9, and 11, in Test Example 3, Aibe teaches positioning a first filter member inside a confined space and positioning a second passive filter inside a confined space with a second substance to deodorize air.

Applicants respectfully request that this rejection be reconsidered and withdrawn. Test Example 3 of Aibe, et al. does not describe a situation where a first filter member is positioned inside a confined space and positioning a second passive filter inside a confined space at the same time to deodorize air. The Applicants' interpretation of Test Example 3 is that three separate experiments are run. First, the apparatus prepared in Example 5 is placed in a commercial refrigerator, and gases are injected into the refrigerator. The residual concentrations of the malodorous components in the gas were measured at timed intervals. Then, the same experiment was run with ammonia. In Comparative Example 7, the same experiments were run for comparison without any type of deodorizing device in

the refrigerator. In Comparative Example 8, the same experiments were run with a KIMCO commercial refrigerator deodorizer. According to the Applicants' understanding of this Test Example, the KIMCO deodorizer was not placed in the refrigerator at the same time as the Aibe apparatus.

In the "Response to Arguments" section of the Office Action, the Office Action takes the position that the Bermas reference does teach that it is known to combine activated carbon with sodium bicarbonate and to draw air through a filter comprising such materials using a fan. This is based upon an improper interpretation of the Bermas reference. In Col. 1, lines 50-55 upon which the Office Action relies, the Bermas reference teaches that combinations of such materials have been used in the past, but expressly states that "no combination has been known to provide the desired short term and long term effects." Thus, Bermas indicates that combinations of such materials did not work. This is a teaching away from the claimed invention. The Bermas reference is directed to the use of a mixture of activated carbon and a minor amount of an odor-absorbing zeolite in a passive filter. The Bermas reference teaches nothing about how to combine activated carbon with sodium bicarbonate in a manner that will work. The Office Action further states that Bermas teaches that it is known for a fan to draw air through the filter to deodorize the air in Col. 2, lines 11-17. This is only the case for a dry mixture of silica gel, activated carbon, and a zeolite in the Frazier reference. There is no teaching or disclosure in the Bermas reference of the desirability of combining the teachings of the Frazier reference with a mixture of activated carbon and sodium bicarbonate (which was said to not provide the desired short term and long term effects) in a manner that will produce the desired results. Bermas does not teach that one should do this, or that such a combination will work. Thus, the rejection is based upon an improper construction of the references, and should be withdrawn. In addition to the foregoing, Applicants incorporate the arguments set out in their prior responses in response to this Office Action.

B. Rejection of Claim 18.

Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,403,548, Aibe, et al. in view of U.S. Patent 5,772,959, Bermas and further in view of U.S. Patent 2,025,657, Ganz.

The Office Action states that both Aibe, et al. and Bermas fail to teach the concept of having complementary hemispherical interfacing parts between the filter member and the air-moving member. The Office Action states that Ganz discloses a hemispherical filter

member for deodorizing air. The Office Action further states that it would have been obvious to one having ordinary skill in the art to modify the air-moving member of Aibe, et al. to include a spherical filter member since such a shape has an attractive appearance.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. The Office Action admits that the Aibe, et al. and Bermas references fail to teach the concept of having complementary hemispherical interfacing parts between the filter member and the air-moving member. The Ganz reference is not used in combination with an air-moving member. It would not have been obvious to one of ordinary skill in the art to modify the air-moving member of Aibe, et al. to include a spherical filter member because there would have been no motivation or reason to do so. The Aibe, et al. reference is directed to an apparatus that has an internal compartment for an activated carbon honeycomb element. It would not make sense to use a spherical activated carbon honeycomb element because this compartment is not configured to accept a spherically-shaped element. There is no teaching or suggestion in the Aibe, et al. reference to provide a filter member is used in conjunction with an air moving member that is held in place thereon by gravitational forces and the surface topology of the interfacing parts of the filter member and the air moving member. Further, contrary to the asserted motivation in the Office Action there is no need to be concerned with the "attractive appearance" of the honeycomb element in Aibe because it is hidden from view when in use.

C. Rejection of Claims 14 and 16.

Claims 14 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,403,548, Aibe, et al. in view of U.S. Patent 5,772,959, Bermas and further in view of U.S. Patent 5,288,306, Aibe, et al.

The Office Action states that both Aibe, et al. (apparently '548) and Bermas fail to teach interchangeability using first and second filter member in association with the air-moving member. The Office Action states however, Aibe, et al. (apparently '306) teaches multiple filter members that can be used interchangeably, and that it would have been obvious to "modify the method and apparatus of Aibe to include multiple filter members since utilizing a plurality of filter members having varying adsorbent affinities for malodorous components, even a gas containing many kinds of malodorous or toxic components can be efficiently eliminated."


The Applicants respectfully request that this rejection be reconsidered and withdrawn. Claim 14 is dependent from Claim 11. The Aibe, et al. '306 reference does disclose multiple filter members, but they are all located within the housing of the gas treating apparatus. The activated carbon honeycomb elements are not described as being used in a confined space (for example, a refrigerator) outside of the housing of the gas treating apparatus. None of the references disclose a method for deodorizing air using a first filter member comprising an air moving member and a filter element associated with said air moving member and a second filter member, and positioning a second filter member inside a confined space independent of the first filter member. Claim 11 has been amended to clarify the language therein in the event the Examiner is interpreting the confined space as being located within the air moving member.

IV. Summary.

In view of the foregoing, reconsideration of the application and allowance of all claims are respectfully requested.

Respectfully submitted,
PAUL STIROS, ET AL.

By



Jeffrey V. Bamber
Attorney for Applicant(s)
Registration No. 31,148
(513) 627-4597

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